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Richard Charney &
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ADVANCED LABOUR LAW

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**Richard Charney &
Tim Gleason**

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Advanced Labour Law

Course No. LAW204H1S

(January to April 2015)

(Tuesdays 6:10 – 8:00 p.m.)

Reading Timetable

| Date (2015) | | Pages |
|-------------|---|----------|
| January 6 | Overview and Jurisdiction | 1 - 57 |
| | <i>Labour Relations Act, 1995</i> , SO 1995, c 1, Sch A, ss 1(4)-(5), 69, 114, 126(3). | |
| | <i>Canada Labour Code</i> , RSC 1985, c L-2, ss 18, 18.1, 35, 44-47.3. | |
| | M.A. Hickling, "Interjurisdictional Transfers: Successor Rights at Arbitration" (1991) 2 Lab. Arb. Y.B. 223 | |
| | <i>London and District Service Workers Union, Local 220 v Rogers Cantel Paging Inc.</i> , 1997 CanLII 15530 (OLRB). | |
| January 13 | Successor Rights | 58 - 206 |
| | <i>Ivanhoe Inc. v UFCW, Loc 500</i> , 2001 SCC 47, [2001] 2 SCR 565 (CanLII). | |
| | <i>Sept-Îles (City) v Quebec (Labour Court)</i> , 2001 SCC 48, [2001] 2 SCR 670 (CanLII). | |
| | <i>Canadian Union of Public Employees v. Metropolitan Parking Inc.</i> , [1980] 1 CLRBR 197 (OLRB) (CanLII). | |
| | <i>Retail, Wholesale & Department Store Union, Local 414 v. New Dominion Stores</i> , [1989] 2 CLRBR (2d) 299 (OLRB) (CanLII). | |
| | <i>United Food and Commercial Workers International Union, Local 175 v. 1390386 Ontario Ltd. (c.o.b. Sobeys Ontario)</i> (2002), 86 CLRBR (2d) 268 (OLRB) (CanLII). | |
| | <i>Service Employees' Union, Local 183 v. Riverview Manor</i> (1983), 5 CLRBR (NS) 40 (OLRB) (CanLII). | |

Hotel Employees Restaurant Employees Union, Local 75 v. Accomodex Franchise Management Inc. v. Accomodex Franchise Management Inc., [1993] OLRB Rep. April 281 (CanLII).

January 20 **Successor Rights** **207 - 298**

GMAC Commercial Credit Corporation - Canada v. T.C.T. Logistics Inc., 2006 SCC 35, [2006] 2 SCR 123.

Canadian Union of Postal Workers v. Canada Post Corporation et al. (Sheldon Manly Drugs Ltd.) (1987), 87 CLLC 16,049 (CLRB) (QL).

Canada Post Corporation and Nieman's Pharmacy (1989), 4 CLRBR (2d) 161 (QL).

January 27 **Successor Rights** **299 - 421**

National Automobile, Aerospace and Agricultural Implement Workers Union of Canada (CAW-Canada) and its Local 222, v. Charterways Transportation Limited, The Corporation of the Town of Ajax, [1994] OLRB Rep. October 1296 (CanLII).

Ajax (Town of) v. National Automobile, Aerospace and Agricultural Implement Workers Union of Canada (1998), 41 OR (3d) 426, [1998] 166 DLR (4th) 516 (CA) (CanLII).

Service Employees International Union, Local 204 v. Durham Access to Care [2000] OLRD No 3408, 2000 CanLII 7273 (OLRB).

Power Workers' Union - Canadian Union of Public Employees, Local 1000, C.L.C. v. Milton Hydro-Electric Commission, 2002 CanLII 28840 (OLRB).

Lincoln Hydro Electric Commission, [1999] OLRB Rep. May/June 397, [1999] OLRD No 1264 (QL).

Zellers Inc. (Store #264) and Target Canada co. and UFCW, Loc 1518 2012 CanLII 68305.

Adam v. Daniel Roy Ltée., [1983] 1 SCR 683 (CanLII).

February 3 **Common Employer** **422 - 599**

Tober Enterprises (1979) Ltd.(Re) (2005), 109 CLRBR (2d) 220, [2005] BCLRBD No 2 (QL).

Ontario Legal Aid Plan v. OPSEU, [1991] OLRB Rep. November 1327 (CA) (QL).

Air Canada (Re), [1999] CIRB no 44, [1999] CIRBD No 44 (December 22, 1999) (QL).

Labourers' International Union of North America, Local 1059 v. John Hayman & Sons Company Limited, 1984 CanLII 972, [1984] OLRB Rep. June 822 (OLRB).

Service Employees International Union, Local 204 v. Durham Access to Care(2000), 64 CLRBR (2d) 21, 2000 CanLII 12981 (OLRB).

Calgary Zoological Society and CUPE, Local 37, [2012] ALRBD No. 72 (ALRB)

International Brotherhood of Electrical Workers, Local 353 v. Agincourt Electric (c.o.b. KNK Limited) (1991), 10 CLRBR (2d) 270, 1991 CanLII 6117 (OLRB).

Amalgamated Clothing & Textile Workers Union v. Hornco Plastics Inc., [1993] OLRB Rep. May 411, 1993 CanLII 8031 (OLRB).

Air Canada, 2001 CLLC ¶220-010, 65 C.L.R.B.R. (2d) 50, [2000] CIRB 90 (CanLII).

Penmarkay Foods Limited v. Retail Wholesale & Department Store Union, Local 414, [1984] OLRB Rep. September 1214, 1984 CanLII 1128.

| | | |
|-------------|---------------|-----------|
| February 10 | Intermingling | 600 - 618 |
|-------------|---------------|-----------|

Beachville Lime Ltd. v. Communications, Energy and Paperworkers Union, Local 3264 (2000), 67 CLRBR (2d) 50, 2000 CanLII 6299 (OLRB).

Canadian Union of Public Employees Local 1263 v. Niagara (Municipality) (2004), 104 CLRBR (2d) 145, 2004 CanLII 21970 (OLRB).

February 17 [Reading Week]

| | | |
|-------------|-----------------|-----------|
| February 24 | Contracting Out | 619 - 732 |
|-------------|-----------------|-----------|

National Automobile, Aerospace Transportation and General Workers Union of Canada (CAW-Canada) and its Local 4271 v. Aramark Canada Ltd., (2001), 68 CLRBR (2d) 235, 2001 CanLII 17790 (OLRB).

Morton G. Mitchnick, "Contracting Out: Two Solitudes" (1998), 8 Lab. Arb. Y.B.
79

Russelsteel Ltd. v. United Steelworkers of America (Collective Agreement Grievance) (1966), 17 LAC 253 (Ontario) (Arthurs) (QL).

School Division No. 13 (French Grievance) (2003), 120 LAC (4th) 150 (Saskatchewan) (Hood) (QL).

Northwestel Inc. and I.B.E.W., Loc. 1574, Re (1996), 55 LAC (4th) 57 (Canada) (Kelleher) (QL).

Ivaco Rolling Mills v. United Steelworkers of America, Local 8794 (Laframboise Grievance) (1997), 67 LAC (4th) 66 (Ontario) (Adell) (QL).

T.R.W. Canada Ltd. and Thompson Products Employees' Assn. (Chambers) (Re) (2002), 113 LAC (4th) 364 (Ontario) (Goodfellow) (QL).

York Federation of Students and C.U.P.E., Loc. 1281 (Re) (2004), 132 LAC (4th) 444 (Ontario) (Keller) (QL).

March 3

Contracting Out

733 - 896

Giant Yellowknife Mines Ltd. and C.A.S.A.W., Loc. 4, Re (1990), 15 LAC (4th) 52 (Canada) (Bird) (QL).

National Auto Radiator Manufacturing Co. and C.A.W, Loc. 195, Re (1990), 16 LAC (4th) 45 (Ontario) (Marcotte) (QL).

Canadian National Railways v. National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada), Local 100 (2004), 142 LAC (4th) 322 (Canada) (Chapman) (QL).

International Forest Products (2005), 144 LAC (4th) 51 (British Columbia) (McPhillips) (QL).

Canadian Owner-Operator Workers' Association, Local 2001 v. Bridge Terminal Transport (Canada) Inc., 2007 BCSC 1653(CanLII).

Hydro Ottawa Limited v. I.B.E.W., Local 636, 2007 ONCA 292, (2007), 85 OR (3d) 727 (CanLII).

Labourers' International Union of North America, Local 506 v. Dalton Engineering & Construction Limited, [1988] OLRB Rep. June 567, 1988 CanLII 3667.

Toronto Sun v. CEP, Local 87-M, 2010 CanLII 63898 (ON LA).

Vale Canada Ltd. v. United Steelworkers of America, Local 6500 (Contracting Out Grievance), (2012), 218 LAC (4th) 204 (QL).

Essar Steel Algoma Inc. v. United Steelworkers, Local 2251 (2012), 216 LAC (4th) 14 (QL).

March 10

True Employer

897 - 999

OPSEU v. OPAC/MPAC, [2006] O.L.A.A. No. 609 (MacDowell)

OPSEU v. MPAC, 2013 CanLII 12695 (MacDowell)

March 17

True Employer/ Bargaining Unit Reviews

1000 - 1042

Seeking a Balance: Canada Labour Code Part 1 Review (Ottawa: Public Works and Government Services Canada, 1995), pages 67 - 98 (Sims Report)

Rogers Cablesystems Ltd. (Re), [2000] CIRB no. 51, [2000] CIRBD No 5 (QL).

March 24

**Alternate Structures/
Construction**

1043 - 1217

Labour Relations Act, 1995, S.O. 1995, c. 1, Sch. A. s. 57

Canada Labour Code, R.S.C. 1985, c. L-2, ss. 33 - 34

International Longshoremen's and Warehousemen's Union, Ship and Dock Foremen, Local 514 v. Prince Rupert Grain Ltd., [1996] 2 SCR 432 (CanLII).

Offshore Logistics Inc. v. Halifax Longshoremen's Ass'n, I.L.A. Local 269 (2000), 61 CLRBR (2d) 179, [2000] FCJ No 1155 (CA) (QL).

J.D. Irving, Ltd. v. International Longshoremen's Assn., Local 273 (General Longshore Workers, Checkers, and Shipliners of the Port of Saint John, New Brunswick) (2003), 228 D.L.R. (4th) 620 (Fed CA) (QL).

Retail Wholesale Canada, Canadian Service Sector Division of the United Steelworkers of America, Local 1688 v Diamond Taxicab Association (Toronto) Limited, [1995] OLRB Rep. June 753, 1995 CanLII 9968. (*See materials for Remedies section*)

Labour Relations Act, 1995, S.O. 1995, c. 1, Sch. A, ss. 126-128, 134-168

Joseph B. Rose, *Public Policy, Bargaining Structure and the Construction Industry* (Toronto: Butterworths, 1980), pages-57 - 60, 64 - 73

Ontario Ministry of Labour, *Report of the Industrial Inquiry Commission into bargaining patterns in the Construction Industry in Ontario* (Toronto: Queen's Printer, 1976) pages 34-50

United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada and Local Union 71 v. Eastern Sheet Metal and Mechanical Contractors, [1981] OLRB Rep. Jan 26, 1981 CanLII 872 (CanLII).

Mechanical Contractors Association Ontario v. United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, Local 46 (Sikora Mechanical Ltd.), [1982] OLRB Rep. June 941, 1982 CanLII 885.

Mechanical Contractors Association Ontario v. United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, Local 463, [1980] OLRB Rep. June 848, 1980 CanLII 799.

March 31

Remedies

1218 - 1259

Retail Wholesale Canada, Canadian Service Sector Division of the United Steelworkers of America, Local 1688 v Diamond Taxicab Association (Toronto) Limited, [1995] OLRB Rep. June 753, 19995 CanLII 9968.

Communications, Energy and Paperworkers Union of Canada (Southern Ontario Newsmedia Guild, Local 87-M) v. Sun Media Corporation, (September 11, 2009), 2009 CanLII 47253 (OLRB).

